



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,358	03/28/2001	Jeane S. Chen	0005.US00	3309

27309 7590 07/14/2005
KINTERA INC.
9605 SCRANTON ROAD, SUITE 240
SAN DIEGO, CA 92121

EXAMINER .

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,358

Applicant(s)

CHEN ET AL.

Examiner

Etienne P LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-22 and 26-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-22 and 26-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) various.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claims Status

Claims 1, 5-22 and 26-53 are pending. Claims 2-4 and 23-25 are canceled. Claims 1, 5-22 and 26-53 are rejected as detailed below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-9, 11, 12, 16, 20, 22, 26-29, 32, 33, 35-40, 45-47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 1, 22, 35, 36, 38 and 39, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database [kettle data storage 302, Fig 1a is partitioned inside terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in fundraising [col. 1, lines 20-25, col 5, lines 4-10, col 4, lines 48-51], the client data containing one or more constituent records [col. 3, lines 59-65, col 9, lines 57-60], the one or more constituent records including information about individuals [information about a contributor and a donation, col 3, lines 59-65], the information stored in a plurality of fields [col 9, lines 1-10] wherein each individual is assigned a

Art Unit: 2161

unique identifier [col 9, lines 45-67, receipt produced for a contribution by a contributor], a data pool having data from one or more constituent records stored in the one or more virtual data islands [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], wherein the results of the analysis are used in fundraising campaigns, one or more program codes for analyzing the data pool [software routine, col 5, lines 17-20, statistical software routine, col 5, lines 30-40]

Pat '393 discloses in col 9, lines 48-50 a receipt is produced for a single or plurality of donations – the receipt being for tax purposes, col 9, line 67 which reads on a compilation of unique identifiers of the individuals whose records are in the virtual data islands. Pat '393 fails to disclose a linking table. Pat '572 discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

Regarding claim 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

Art Unit: 2161

Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

Regarding claims 7 and 32, Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

Regarding claim 37, Pat '393 discloses wherein the client is a charitable organization [col. 3, lines 55-58]

Art Unit: 2161

Regarding claims 40, 47 and 53, Pat '393 discloses a master island residing in the database and containing a compilation of the fields in the one or more virtual data islands [terminal 120, Fig 1]

Claims 17, 42, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claims 17, 42, 48 and 49, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

3. Claims 10, 13-15, 41, 43, 44 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pat '393 and Pat '572 as applied to claim 1 above, and further in view of US Pat. No. 6,308,201 issued to Pivowar et al (hereafter Pat '201)

Regarding claims 10, 43 and 50, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for an opt-in field indicating whether a client has elected to share data. Pat '201 discloses an opt-in field indicating whether a client has

Art Unit: 2161

elected to share data [Fig 11, 702]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include an opt-in field indicating whether a client has elected to share data as taught by Pat '201 for the purpose of managing concurrent access to records/data to ensure lowest possible response times.

Regarding claim 13, the combination of Pat '393, Pat '572 and Pat '201 discloses the elements of the claimed invention as noted above and furthermore, Pat '201 discloses write-access to the field [Fig 5, 512, col 7, lines 29-38].

Regarding claim 14, Pat. '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention as noted above and furthermore, Pat '201 discloses the opt-in field accepts a multi-valued variable [Fig, 11, 702].

Regarding claim 15, Pat '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention and for sharing data with others in different manners [Figs 5 and 11]

Regarding claim 41, Pat '201 discloses means for allowing a client to update constituent records stored in their virtual data island [Fig 11, 702].

Regarding claim 44, Pat '393 discloses wherein if the client has elected to share data, data from constituents records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

Regarding claims 51 and 52, Pat '393 discloses wherein if the client has elected to share data, data from constituent records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

Art Unit: 2161

4. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2161

modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Response to Arguments

Applicant's arguments filed 5/11/2005 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the last paragraph of page 26 that claim 1 includes the limitation "a master island containing a compilation of the fields in the virtual data islands."

Examiner Responds:

Examiner is not persuaded. Applicant has deleted above claim limitation in the most recent claim amendment. Furthermore, examiner notes that above-referenced paragraph includes numerous other inconsistencies with respect to the most recent claim amendment.

Applicant Argues:

Applicant states in the third paragraph of page 27 "The alleged prior art relates to attendant-manned buckets with attached credit card readers (Ziarno) and computer-based invoices with line items and codes to identify product characteristics (Riordan). These two documents, spanning fields of endeavor widely apart from one [each] other, are not related to the issues addressed by Applicants' inventions and are not properly combined. One has nothing to do with fundraising at all, and neither document relates to, for example, partitioned databases, storing data from discreet (e.g., competing) fundraising organizations and/or campaigns, creating

Art Unit: 2161

data pools with data from constituent records, or sharing of donor information between organizations.”

Applicant continues in the fourth paragraph of page 27 “One trying to create the virtual shared databases described and claimed in applicants’ application to advance the storage and sharing and analysis of charitable information from and between organizations would not look to pails with credit card readers or electronic invoices. The law requires a basis in the art for combining or modifying references, which has not been provided here. Thus, a prima facie case of obviousness has not been established.

Examiner Responds:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In above Office Action, Ziarno’s disclosure relevant to above-mentioned claim 1 limitations is clearly shown. Furthermore, in above Office Action, Ziarno is combined with Riordan for the purpose of disclosing a linking table. The reason for combination is clearly stated in above Office Action.

In response to applicant's argument that Riordan is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Consider the following disclosure by Ziarno, i.e., column 2, lines 25-30:

Art Unit: 2161

Moreover, another shortcoming of making a donation at a donation kettle or a plurality of donation kettles is that there is no integration of information associated with a plurality of individual donations. Consequently, there exists a need for a donation kettle network that integrates a plurality of individual donations made at a donation kettle at varying times and/or places.

Consider the following disclosure by Riordan, i.e., column 2, lines 15-27:

Brief Summary Text (13):

In a preferred embodiment, the present invention simultaneously captures at the POS all financial and non-financial data pertaining to a specific consumer transaction. An electronic invoice is constructed from the captured data and transmitted to a credit authorization location via a communication link necessarily established to transmit a credit authorization request for the transaction. The electronic invoice contains line item data for each item purchased as part of the transaction. The invoice is organized around the identification number of the payment vehicle employed by the customer to pay for the transaction, thus linking the purchasing information contained in the invoice to a particular consumer.

Both Ziarno and Riordan are concerned with the problem of integrating a plurality of transactions associated with a plurality of customers/contributors. It would have been obvious to one of ordinary skill in the art at the time the invention was made to look from Ziarno for a method for integrating financial data by means of a linking table as disclosed by Riordan such that Ziarno's data can be analyzed to generate a report commonly used for accounting (Ziarno, col 5, lines 23-30].

Applicant Argues:

Applicant states in the second paragraph of page 28 "For example, referring to kettle 100 in Figure 1 of Ziarno, the PTO equated Ziarno's donation bucket with a virtual data island of the present application (December 2, 2004 Office Action, page 4)." Applicant continues "The virtual data islands of Applicant's inventions are not containers for collecting donations, and Ziarno's physically separated pails do not represent partitioned data inside a database."

Art Unit: 2161

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., (1) containers for collecting donations and (2) partitioned data inside a database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, applicant is referred to supra Office Action where the complete (as amended) limitation is mapped to Ziarno.

Furthermore, Applicant defines virtual island per the following paragraph from applicant's specification:

Detail Description Paragraph:

[0051] In another embodiment, a master database not only contains data of the master table, but all attributes of donors, such as addresses, phone numbers, email addresses, credit card information, and transaction histories of all the virtual islands. A client organization can opt-in for participation in updates via access to the master database, and can further select which entries will be available for updates. When a donor updates a field in the database of a participating client, a record of the update is also made in the master database if that field is contained in the master database. All clients that have opted in for this option have access to entries of the master database for which donors have provided data in their respective individual databases. For example, if a donor did not give his phone number to client A, then client A will not have access to that donor's phone number data in the master database. In this way, clients can update entries in their databases for the donors that have already provided information to them, and the system need not be burdened with sending out notifications.

Applicant discloses that a virtual island can include credit card information which is what Ziarno discloses in column 5, lines 10-23:

Detailed Description Text (11):

The present invention includes a set of software routines which run on donation kettle 100 to tally a plurality of donations. In an alternate embodiment, a set of software routines run on

Art Unit: 2161

terminal 120. A software routine tallies a credit card 145 donation, a debit card 150 donation, a cash donation 143, and combinations thereof, for a single contributor or a plurality of contributors. Moreover, a software routine performs a number of arithmetic functions including but not limited to, by way of example, addition, subtraction, multiplication, division, as well as statistical calculations. A software routine is linked to commercially available accounting programs in one embodiment.

Ziarno discloses that donation kettle 100 can store and tally a plurality of credit card donations similar to the present invention. Obviously, Ziarno reads on the claimed “virtual islands.”

Applicant Argues:

Applicant states in the third paragraph of page 28 “Additionally, the PTO incorrectly equated Ziarno’s kettle data storage 302 and terminal 120 with the partitioned database of applicants’ claims.

Examiner Responds:

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In supra Office Action, for the claim limitation “one or more virtual data islands partitioned inside the database” Ziarno’s Terminal 120 is mapped to the claimed partitioned database because the system database includes terminal 120 data storage and data storage 302 of each and every donation kettle 100 per Ziarno’s Figure 1.

Applicant Argues:

Applicant states in third paragraph of page 29 “Applicants also respectfully submit that the Ziarno donation bucket patent does not teach or suggest a data pool within the meaning of

Art Unit: 2161

Applicants' claims. Applicants' claims include reference to data pools having data from one or more constituent records from opt-in clients stored in virtual data islands."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., data pools having data from one or more constituent records from opt-in clients stored in virtual data islands) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is advantageous to consider applicants' definition of "data pool." Applicants' state in paragraph 12 of the specification:

The method further comprises the steps of creating a data pool having selected data from the CRs, analyzing the data pool, and using the results of the analysis in fundraising campaigns.

Examiner maintains that Ziarno's data storage 302 reads on the claimed data pool.

Applicant Argues:

Applicant states in the second paragraph on page 30 "A master island is referred to at page 8, lines 23-29 (paragraph 32) of applicant's specification.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., page 8, lines 23-29 of applicant's specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

Art Unit: 2161

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the fifth paragraph of 30 “Applicant’s constituent records include information about individual, with the information stored in a plurality of fields, wherein each individual is assigned a unique identifier.”

Examiner Responds:

Examiner is not persuaded. It is necessary to interpret the claimed constituent records per applicant’s specification, an appropriate excerpt is as below:

Detail Description Paragraph:

[0045] The flow starts at step 204, and moves to step 208 where one or more virtual data islands are created in a database. In step 212, client data having one or more constituent records (CRs) is stored in the virtual data island. The constituent records can be individual donor records. Each virtual data island stores data belonging to a specific client engaged in one or more fundraising campaigns.

Applicant discloses that a donor record can be a constituent record. Obviously a donor record is disclosed by Ziarno in column 3, lines 45-60].

Applicant Argues:

Applicant states in the second paragraph of page 31 “Applicants respectfully submit that there is no basis to bring together Ziarno and Riordan.”

Examiner Responds:

Examiner is not persuaded. Applicant is referred to supra response by examiner.

Applicant Argues:

Art Unit: 2161

Applicant states in the first paragraph on page 33 “Chan includes no teaching or suggestion of the update option recited in claim 17.”

Examiner Responds:

Examiner is not persuaded. Chan discloses the following in column 8, lines 15-22:

In some circumstances, a process can receive a requested version of a block of data directly from another process, in peer-to-peer fashion, instead of from non-volatile storage. This type of transfer is referred to herein as a “direct transfer” and is typically performed using a messaging protocol over a link between the nodes on which the two processes reside.

Examiner maintains, per the above, that Chen does in fact include a teaching related to the update option recited in claim 17.

Applicant Argues:

Applicant states in the fourth paragraph of page 33 “Claim 10 as amended, refers to the claim 1 database and states that it further comprises ‘an opt-in field’ indicating whether a client has elected to share data.”

Examiner Responds:

Examiner is persuaded. Examiner provides above new art rejection in view of Pivowar et al.

Applicant Argues:

Applicant states in the second paragraph on page 36 “The deficiencies of Ziarno I and Riordan have been previously noted. Zirno II does not remedy any of these deficiencies. The PTO cited the Ziarno II Abstract as teaching login access by donors. Applicants are unclear how this portion of Ziarno II discloses log-in access by donors. The Ziarno II Abstract refers to dispersing a plurality of portable, self-powered devices to potential contributors at remote

Art Unit: 2161

locations for the entry of data consisting essentially of monetary contribution or gift commitments. Indeed, applicants note that Ziarno II does not contain the word “login,” the word “log-in,” or the words “log in.” Applicants were unable to locate any teaching of Ziarno II of providing login admission to a donor for the purpose of accessing their individual records stored in a virtual data island and conducting financial transaction online, as recited in claims 18 and 30-31.”

Examiner Responds:

Examiner is not persuaded. Pat ‘952 includes in the Abstract the following:

whereby recordation of each of the contribution is uninterrupted by verification of validation and/or authorization, automatically correlating tax deductability status data to the contribution or gift commitment data

The above validation/authorization of a user wishing to make a contribution reads on the claim 18 limitation “means for login access for donors to the individual constituent records in the virtual data islands, wherein the donors access their records and conduct financial transactions online.”

Applicant Argues:

Applicant stats in the first paragraph of page 38 “While Romansky may refer to a political organization, Romansky does not teach the various deficiencies previously noted with respect to independent claims 1 and 22. Additionally, claim 21 recites an opt-out field indicating that a client does not wish to share data. There is no teaching or suggestion of an opt-out field in Romansky, and the PTO has not pointed to any such teaching.”

Examiner Responds:

Art Unit: 2161

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, per above Office Action, Pivowar discloses a opt-in field. Examiner maintains that the absence of data in the opt-in field inherently implies an opt-out field.

Conclusion

Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 5/11/2005 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2161

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/7/2005


MOHAMMAD ALI
PRIMARY EXAMINER